

**DRAFT MINUTES
PENNINGTON COUNTY PLANNING COMMISSION
July 27, 2020 @ 9:00 a.m.**

County Commissioners' Meeting Room - Pennington County Administration Building

MEMBERS PRESENT: Rich Marsh, Travis Lasseter, Kathy Johnson, Charlie Johnson, Sandra Runde, Ron Rossknecht, Jim Coleman (teleconference).

STAFF PRESENT: Brittney Molitor, Kristina Proietti, Jason Theunissen, Michael Hoffman (SAO) and Jeri Ervin.

ROLL CALL

1. APPROVAL OF THE JULY 13, 2020, MINUTES

Moved by Runde and seconded by Lasseter to approve the Minutes of the July 13, 2020, Planning Commission meeting, with a correction for Items #21 and #22 to note the vote as 5 instead of 6. Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

2. APPROVAL OF THE AGENDA

Moved by Johnson and seconded by Runde to approve the Agenda of the July 27, 2020, Planning Commission meeting. Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

Moved by Runde and seconded by C. Johnson to approve the Consent Agenda of the July 27, 2020, Planning Commission meeting, with the removal of Items #6 and #10. Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

CONSENT AGENDA

The following items have been placed on the Consent Agenda for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Agenda, by any Planning Commissioner, staff member, or audience member for separate consideration. The findings of this Planning Commission are recommendations to the Pennington County Board of Commissioners who will make the final decision.

3. **CONDITIONAL USE PERMIT REVIEW / CU 16-12:** (TC Enterprises, Inc.; Todd Schuetzle – Agent. To review the use of bicycle rentals, ATV rentals, and a retail shop as neighborhood commercial in a Suburban Residential District in accordance with Sections 208 and 510 of the Pennington County Zoning Ordinance.

Lot D of Lot 13, Rochford Townsite Patent Subdivision, Section 23, T2N, R3E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 16-12 with the following sixteen (16) conditions:

- 1. That this Conditional Use Permit be for bicycle rentals, ATV rentals, and a retail shop only;**
- 2. That, if required by the U.S. Forest Service, the applicant apply for a Special Use Permit for outfitting a trail ride (ATV, 4 wheelers, ORV, etc.) on the Mickelson Trail and other Black Hills National Forest Trails. Special Use Permits are subject to resource specials review and written reports and an annual land use fee;**
- 3. That port-o-potties are provided on-site for customers to utilize during business hours;**
- 4. That if bathroom facilities beyond port-o-potties are to be provided for customers on-site, the applicant must obtain approval from the South Dakota Department of Environment and Natural Resources and, if necessary, upgrade the existing on-site wastewater treatment system with an On-Site Wastewater Construction Permit approved by the Pennington County Environmental Planner;**
- 5. That the comments provided by the U.S. Forest Service be provided to the applicant and the applicant continually adhere to those comments;**
- 6. That the address assigned to the subject property be properly posted on the structure so that it is visible from both directions of travel on Rochford Road, in accordance with Pennington County's Ordinance #20;**
- 7. That a Building Permit be obtained for the proposed new shop and any structure(s) exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 8. That the applicant ensures the residential character of the property is maintained;**
- 9. That any outside lighting be continually directed towards the ground and all exterior lighting must be of low level intensity, which does not result in excessive glare upon surrounding neighbors;**
- 10. That a minimum of five (5) off-street parking spaces be provided on-site, per Pennington County Zoning Ordinance Section 310-A-9;**
- 11. That the hours of operation be between 10:00 a.m. and 7:00 p.m.;**

12. That the property remain free of debris and junk vehicles;
13. That a Sign Permit be obtained prior to placement of any new sign(s) on the subject property. Such sign(s) must meet all requirements of Pennington County Zoning Ordinance Section 312 and not be located in any public Right-of-Ways;
14. That any major improvements to the existing access will need to be permitted through the Pennington County Highway Department;
15. That all applicable Federal, State, and local regulations be adhered to at all times and the applicant maintains the necessary permits to conduct the business; and,
16. That this Conditional Use Permit be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Planning Commission and/or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

4. **CONDITIONAL USE PERMIT REVIEW / CU 18-21:** David and Leah Byers. To review a single-family residence in a Highway Service District in accordance with Sections 210 and 510 of the Pennington County Zoning Ordinance.

Lot 1, Pankratz Subdivision, Section 22, T1S, R6E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-21 with the following seven (7) conditions:

1. That the applicant works with the SDDOT to approve any changes to the existing access to the subject property, per the applicable Administrative Rules of South Dakota;
2. That an On-Site Wastewater Construction Permit be submitted prior to installation of an On-Site Wastewater Treatment System;
3. That an approved Building Permit be obtained for any structure exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
4. That all current and future addresses be posted in accordance with Pennington County Ordinance #20;
5. That the subject property remains free of debris and junk vehicles, in accordance with Ordinance #106;

6. That a Highway Service District use be established within three (3) years of approval date of this extension or this Conditional Use Permit will be ended and the property be rezoned for residential use; and,
7. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

5. **CONDITIONAL USE PERMIT REVIEW / CU 18-24:** Plainsview Mobile Manor / Ernest Tschannen; Kristine Forrest – Agent. To review an existing mobile home park (Plainsview Mobile Manor) in a Suburban Residential District in accordance with Sections 208, 305, and 510 of the Pennington County Zoning Ordinance.

Tract 2, Plainsview Subdivision, Section 23, T2N, R8E, BHM, Pennington County, South Dakota.

To approve the extension of Conditional Use Permit / CU 18-24 with the following twenty-one (21) conditions:

1. That the uses of the Conditional Use Permit continue to be limited to a maximum of 112 mobile homes spaces with one (1) of the lots acting as the manager's residence;
2. That no mobile homes are allowed to be located on the southernmost seven (7) spaces on the subject property, where no utility hook-ups exist;
3. That the rental home park continually have a caretaker or manager living on-site and the residence be appropriately identified as such;
4. That decks and accessory structures (i.e. garages and sheds) be allowed with the issuance of an approved Floodplain Development Permit and Building Permit;
5. That a minimum 20-foot separation between units (mobile home living space, including attached decks) be maintained;
6. That a minimum 10-foot separation between accessory structures (e.g. garages, sheds) and adjacent residences be maintained;
7. That the minimum setback requirements of a Suburban Residential District be maintained. In addition, a minimum setback of ten (10) feet shall be maintained from all access roads within the mobile home park;
8. That the existing mobile homes (as of the original date of approval of this Conditional Use Permit) be allowed to remain in their current location. New

or replacement mobile homes must meet the minimum setback and separation requirements;

9. That all new or replacement mobile homes installed on the property have a peaked, non-reflective type roof and wood or simulated wood-type siding that is continually maintained;
10. That an approved Floodplain Development Permit be obtained *prior* to any work being done within the Special Flood Hazard Area on the subject property (including dirt work and any structures or additions to existing structures);
11. That the installation of mobile homes on the subject property continually be in conformance with the Pennington County Flood Damage Prevention Ordinance and FEMA P-85;
12. That an approved Building Permit be obtained for each new residence prior to construction and for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
13. That an approved Removal Permit be obtained prior to any mobile home being removed from the property;
14. That mobile homes not be allowed to be stored unoccupied on the subject property;
15. That all lot numbers must be posted in accordance with Pennington County's Ordinance #20, preferably of the same type and style of Lot number. Each number shall measure a minimum of 4" high and be of the same colors, preferably reflective, in approximately the same location on each mobile home;
16. That a minimum of two (2) off-street parking spaces be provided for each residence on the subject property. Each parking space must measure a minimum of nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
17. That the interior roads be continually surfaced and maintained with gravel, concrete or asphalt and maintained in a dust free manner;
18. That a Sign Permit be obtained prior to the installation of any signs on the subject property; all signs must meet the requirements of Section 312 of the Pennington County Zoning Ordinance (PCZO);
19. That the property continually remain free of debris and no inoperable or junk vehicles be allowed on the property;

20. That all existing drainage ways be maintained and erosion control measures be implemented on all disturbed areas so as not to allow any sedimentation of existing drainage ways or bodies of water per PCZO Section 507(A). This includes any requirements set forth in the Pennington County Stormwater Quality Manual for erosion and sediment measures; and,
21. That this Conditional Use Permit be reviewed in one (1) year, on a complaint basis, or as directed by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

7. **CONDITIONAL USE PERMIT REVIEW / CU 19-16:** Terry and Marcia Graber. To review an existing second residence to be used as a Bed and Breakfast/Recreational Area in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

SE1/4NW1/4 less PT Welcome Lode, Section 33, T1S, R6E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 19-16 with the applicants' concurrence.

Vote: unanimous 7 to 0.

8. **CONDITIONAL USE PERMIT REVIEW / CU 19-17:** Adam and Elrod Lacy. To review an existing residence to be used as a Vacation Home Rental in a Limited Agriculture District in accordance with Sections 206, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 2 Revised, Greens Subdivision, Section 15, T2N, R6E, BHM, Pennington County, South Dakota.

To end Conditional Use Permit / CU 19-17 as it is no longer needed.

Vote: unanimous 7 to 0.

9. **PLANNED UNIT DEVELOPMENT REVIEW / PU 06-07:** Rapid City MHP, LLC. (Cimarron Mobile Home Park). To review a Planned Unit Development to allow a mobile home park in accordance with Section 213 of the Pennington County Zoning Ordinance.

Tract C of Lot B of NE1/4 NW1/4 less Pengra Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.

To recommend approval of the extension of Planned Unit Development / PU 06-07 with the following twenty (20) conditions:

1. That the PUD has a maximum of 51 mobile home spaces, one duplex, two stick-built structures and a total of 75 storage units;
2. That each mobile home space be allowed one mobile home, manufactured home or modular home (single-wide or double-wide);
3. That the mobile homes shall have a minimum 20-foot separation between units;
4. That decks and/or porches be allowed as accessory structures to each mobile home;
5. That the mobile homes shall have a minimum front yard setback of ten (10) feet from all access roads within the mobile home park and a setback of twenty-five (25) feet from exterior property lines;
6. That the mobile homes maintain a minimum ten (10) foot rear yard and side yard setback from interior lot lines;
7. That each mobile home space have a minimum of two (2) off-street parking spaces, and that each parking space shall not be less than nine (9) feet by eighteen feet, surfaced with gravel, concrete or asphalt and maintained in such a manner that no dust will result from continuous use;
8. That 13 visitor parking spaces are provided. Each space must measure a minimum of 9 feet x 18 feet, be surfaced in gravel, concrete or asphalt and maintained in a dust free manner;
9. That a Building Permit shall be obtained for the removal or placement of mobile homes or manufactured homes on the property;
10. That a Building Permit be obtained for structures exceeding 144 square feet or located on a permanent foundation which will require a site plan to be reviewed and approved by the Planning Director;
11. That the mobile home park be provided with an on-site management office;
12. That all the interior streets shall be a minimum of 25 feet in width and surfaced with gravel, concrete or asphalt and maintained in a dust free manner as required by Section 305;
13. That prior to the placement of mobile homes or any other structures within the 100-year floodplain, a Floodplain Development Permit shall be submitted for review and approval;
14. That prior to any repair or replacement of the wastewater disposal system, the S.D. Department of Environment and Natural Resources and the Pennington County Environmental Planner shall review and approve the

work and a Floodplain Development Permit shall be obtained for any work within the 100-year floodplain;

15. That the storage units be used exclusively for storage and not retail business activities;
16. That each unit has an individual address that must be posted in accordance with Pennington County Ordinance Amendment #20;
17. That the Planning Director may allow additional development or construction which is consistent with the existing development on this property; significant changes in the use or impacts on adjacent land uses as determined by the Planning Director shall require an amendment to this Planned Unit Development;
18. That a map be submitted to Rapid City's GIS Department showing the addresses for each lot within the mobile home park; and,
19. That the first one hundred feet off of Sturgis Road be hard surfaced; and,
20. That this Planned Unit Development be reviewed in two (2) years or upon a complaint basis.

Vote: unanimous 7 to 0.

11. **MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 19-03:** Prairie Valley Development; Bill Freytag. To review an existing Planned Unit Development to allow for additional lots to be developed on the subject properties in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lots 1-3, Block 1; Lots 1-6, Block 2; Lots 1-10, Block 3; Lots 1-10 and Lot 20, Block 4; Lot 1 and Lot 20, Block 5 and Lots 22-41, Block 5; Lots 1-19, Block 6, Lots 1-4, Block 7; and Lots 8-15, Block 7; all of Prairiefire Subdivision; NE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less Right-of-Way; and SE1/4NE1/4 Less Eisenbraun Subdivision, Less Winton Subdivision, Less Prairiefire Subdivision and Less Right-of-Way, all located in Section 26, T1N, R8E, BHM, Pennington County, South Dakota

To recommend approval of the extension of Major Planned Unit Development Amendment / PU 19-03 with the following twelve (12) conditions:

1. That the Planned Unit Development consists of no more than 145 residential lots, one (1) well lot and one (1) detention lot with a minimum lot size of 7,400 square feet;
2. That a Stormwater Permit be obtained for any land disturbance exceeding 10,000 square feet (including grading, roads, and utility installation) prior to any work being done;

3. That all lots developed after the approval date of Major Planned Unit Development Amendment / PU 19-03 be connected to sewer and water services provided by the City of Rapid City;
4. That a minimum of two (2) off-street parking spaces be provided for each residential lot. All off-street parking spaces on the site shall measure at least 9 feet by 18 feet, be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
5. That a Building Permit be obtained for any structures exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;
6. That no off-premise signs be allowed within the Planned Unit Development;
7. That the required setbacks for all structures within the Planned Unit Development be a minimum of twenty (20) foot front yard, eight (8) foot side yard, and twenty-five (25) foot rear yard;
8. That each address must be posted in accordance with Pennington County Ordinance #20;
9. That prior to issuance of any Building Permits located within newly platted areas of the subdivision, the roads providing access to the lots must be improved to City Street Design Standards, or the proper exceptions be obtained from the City of Rapid City, and the applicant must install road signs for the new roads;
10. That the single-family residences must be stick-built or double-wide manufactured or modular homes meeting the requirements of Section 204(I) of the Pennington County Zoning Ordinance;
11. That the recorded easements for the south side ditch be strictly maintained and are not encroached upon; and,
12. That this Major Planned Unit Development Amendment be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or the Board of Commissioners to verify that all Conditions of Approval are being met.

Vote: unanimous 7 to 0.

END OF CONSENT AGENDA

6. CONDITIONAL USE PERMIT REVIEW / CU 18-37: Glenn and Debbie Lepp. To review a store and fiber mill on the subject property in a General Agriculture District in accordance with Sections 205 and 510 of the Pennington County Zoning Ordinance.

PT S1/2E1/4 N of Highway, Section 35, T1N, R9E, BHM, Pennington County, South Dakota.

(Continued from the July 13, 2020, Planning Commission meeting.)

Chairman Marsh asked to have this Item removed from the Consent Agenda for discussion to note a correction in the recommendation of the Staff Report.

Staff recommend approval the extension of Conditional Use Permit / CU 18-37 with eleven (11) conditions.

Discussion followed.

Moved by K. Johnson and seconded by Lasseter to approve the extension of Conditional Use Permit / CU 18-37 with the following eleven (11) conditions:

- 1. That Conditional Use Permit / CU 18-37 is for the continued on-site operation of an Alpaca Store and fiber mill which is located within the single-family residential structure;**
- 2. That additional uses on the subject property, not approved under CU 18-37, shall require amendments to CU 18-37 in accordance with Pennington County Zoning Ordinance §510(A);**
- 3. That the Alpaca Store business be in compliance with all Federal, State, and Local requirements prior to operations;**
- 4. That all materials for the Alpaca Store shall be stored within an enclosed structure when not in use;**
- 5. That the Alpaca Store may be operated daily, but shall only operate between the hours of 8 a.m. to 7 p.m.;**
- 6. That two (2) portable fire extinguishers, each with a minimum 2 A-BC rating, be placed within the structure that houses the Alpaca Store;**
- 7. That parking is provided per Pennington County Zoning Ordinance § 310;**
- 8. That a Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which includes the necessary site plans to be reviewed and approved by the Planning Director;**
- 9. That the property remain free of debris and junk, in accordance with Pennington County Ordinance #106;**

10. That all outside lighting be continually directed towards the ground and must be of low level intensity, which does not result in excessive glare upon surrounding neighbors; and,
11. That this Conditional Use Permit be reviewed in two (2) years, on a complaint basis, or as directed by the Pennington County Planning Commission to verify that all Conditions of Approval are being met.

Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. **Roll Call Vote:** carried 7 to 0.

10. MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT REVIEW / PU 15-02: Deerfield Park Condominiums Council of Co-Owners. To review an existing Planned Unit Development in accordance with Section 508 of the Pennington County Zoning Ordinance.

Deerfield Park Condominiums Family Units 1 through 10, Section 2, T1S, R3E, BHM, Pennington County, South Dakota.

Staff asked to have this Item removed from the Consent Agenda for discussion.

Proietti noted the property is zoned a Planned Unit Development and not General Agriculture District as stated in the Staff Report.

Staff recommended approval of the extension of Major Planned Unit Development Amendment / PU 15-02 with thirteen (13) conditions.

Discussion followed.

Moved by Runde and seconded by Lasseter to approve of the extension of Major Planned Unit Development Amendment / PU 15-02 with the following thirteen (13) conditions:

1. That the specific uses of this Planned Unit Development continue to be for single-family residences not to exceed ten (10) units located in not more than five (5) structures, of which only Units 5, 7, and 9 may be used for nightly/weekly tourist rental and accessory structures;
2. That the Planned Unit Development continues to be kept clean of all trash, debris and junk;
3. That each residential condominium unit (1-4, 6, 8, and 10) continue to have a minimum of two (2) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;

4. That only Condominium Units 5, 7, and 9 may be used for night/weekly rental or normal residential use;
5. That Condominium Units 5, 7, and 9 continue to have a minimum of four (4) off street parking spaces. All off street parking spaces on the site shall measure at least nine (9) feet by eighteen (18) feet and be surfaced with gravel, concrete, or asphalt and maintained in such a manner that no dust will result from continuous use;
6. That the maximum occupancy for the night/weekly rental units (Units #5, #7, #9) shall be two people per bedroom and two people for each living room or family room;
7. That smoke detectors are installed in sleeping rooms and common hallways and tested annually as requested by the Pennington County Fire Coordinator. The smoke detectors must be Underwriters Laboratory (UL) listed and be either AC or battery operated;
8. That 2 lb. ABC dry chemical fire extinguishers continue to be accessible to all guests at all times on each floor or structure as requested by the Pennington County Fire Coordinator;
9. That the nightly/weekly rental units remain licensed with the South Dakota Department of Health as a Vacation Home Rental;
10. That the applicants continually have a Sales Tax License as required by the South Dakota Department of Revenue;
11. That signs be allowed to advertise the nightly/weekly rental units in accordance with Section 312 of the Pennington County Zoning Ordinance;
12. That a Building Permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation, which includes the necessary site plans to be reviewed and approved by the Planning Director; and,
13. That this Planned Unit Development be reviewed in three (3) years, on a complaint basis, or as directed by the Pennington County Board of Commissioners or Planning Commission to verify that all Conditions of Approval are being met.

Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. **Roll Call Vote:** carried 7 to 0.

12. LAYOUT PLAN / LPL 20-17: Jeffery Jamison. To combine lots to create Lot 15R of Oak Meadows Estates in accordance with Section 400.1 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: Lots 15, 16, 17, and 18 of Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Lot 15R of Oak Meadows Estates, Section 23, T2S, R6E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Layout Plan to combine lots to create Lot 15R of Oak Meadows Estates.

Staff recommended approval of Layout Plan / LPL 20-17 with the following ten (10) conditions:

1. That at the time of Minor Plat submittal, the applicant obtains an approved County Operating Permit for the single-family residence on Lot 17 to bring the system, into conformance with Pennington County Zoning Ordinance requirements;
2. That at the time of Minor Plat submittal, the address (24472 Oak Meadows Court), for the Guest House on Lot 15, be posted in accordance with Ordinance #20, per County Addressing Coordinator's comments;
3. That at the time of Minor Plat submittal, the applicant obtains an approved Building Permit for the 14' x 27' shed on Lot 16 and pay any associated penalty fees;
4. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
5. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
6. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to Subdivision Regulations be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;
7. That prior to filing the Plat with the Register of Deeds, an approved Conditional Use Permit be obtained for the Guest House on Lot 15;
8. That all natural drainage ways are maintained and are not blocked;

9. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
10. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Rossknecht and seconded by Lasseter to approve of Layout Plan / LPL 20-17 with the following ten (10) conditions:

- 1. That at the time of Minor Plat submittal, the applicant obtains an approved County Operating Permit for the single-family residence on Lot 17 to bring the system, into conformance with Pennington County Zoning Ordinance requirements;**
- 2. That at the time of Minor Plat submittal, the address (24472 Oak Meadows Court), for the Guest House on Lot 15, be posted in accordance with Ordinance #20, per County Addressing Coordinator's comments;**
- 3. That at the time of Minor Plat submittal, the applicant obtains an approved Building Permit for the 14' x 27' shed on Lot 16 and pay any associated penalty fees;**
- 4. That at the time of Minor Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
- 5. That at the time of Minor Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
- 6. That prior to filing the Plat with the Register of Deeds, the plat meets all requirements of Pennington County Subdivision Regulations, or approved Variance(s) to Subdivision Regulations be obtained waiving any of these requirements that are not met. Subdivision Regulations Variances shall be submitted per Section 700 of Pennington County Subdivision Regulations;**
- 7. That prior to filing the Plat with the Register of Deeds, an approved Conditional Use Permit be obtained for the Guest House on Lot 15;**
- 8. That all natural drainage ways are maintained and are not blocked;**

9. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
10. That approval of this Layout Plan does not constitute approval of any further applications to be submitted for the above-described property.

Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. **Roll Call Vote:** carried 7 to 0.

13. PRELIMINARY PLAT / PL 20-18: H & H Land Company No. 2, LLC. To create Tract 1 of South Caputa Addition in accordance with Section 400.2 of the Pennington County Subdivision Regulations.

EXISTING LEGAL: E1/2SE1/4 and PT GL 1; Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

PROPOSED LEGAL: Tract 1 of South Caputa Addition, Section 1, T1S, R9E, BHM, Pennington County, South Dakota.

Theunissen reviewed the Staff Report indicating the applicant has applied for a Preliminary Plan to create Tract 1 of South Caputa Addition.

Staff recommended approval of Preliminary Plat / PL 20-18 with the following eleven (11) conditions:

1. That the applicants obtain approved Approach Permits from the County Highway Department prior to installation of any approaches off of Derby Road;
2. That an approved Floodplain Development Permit be obtained prior to any disturbance within the regulated Special Flood Hazard Area;
3. That prior to filing the Plat with the Register of Deeds, the applicant improve Derby Lane to Pennington County Design Standards or obtain an approved Subdivision Regulations Variance to waive these requirements;
4. That the applicant ensures all natural drainage ways are maintained and not blocked;
5. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations and are spaced further apart on page 2 of the Plat, per Register of Deeds comments contained in this report;
6. That prior to Final Plat submittal, the Acknowledgement of Owner Certification be corrected, per Register of Deeds comments contained in this report;

7. That at the time of Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;
8. That at the time of Final Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;
9. That at the time of Final Plat submittal, the plat contain one hundred (100) year floodplain limits in accordance with current FEMA maps and Pennington County Subdivision Regulations, Section 400.3(1)(l);
10. That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,
11. That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.

Discussion followed.

Moved by Rossknecht and seconded by Lasseter to recommend approval of Preliminary Plat / PL 20-18 with the following eleven (11) conditions:

- 1. That the applicants obtain approved Approach Permits from the County Highway Department prior to installation of any approaches off of Derby Road;**
- 2. That an approved Floodplain Development Permit be obtained prior to any disturbance within the regulated Special Flood Hazard Area;**
- 3. That prior to filing the Plat with the Register of Deeds, the applicant improve Derby Lane to Pennington County Design Standards or obtain an approved Subdivision Regulations Variance to waive these requirements;**
- 4. That the applicant ensures all natural drainage ways are maintained and not blocked;**
- 5. That prior to Final Plat submittal, the Certifications on the Final Plat be in accordance with Section 400.3.1(n) of the Pennington County Subdivision Regulations and are spaced further apart on page 2 of the Plat, per Register of Deeds comments contained in this report;**
- 6. That prior to Final Plat submittal, the Acknowledgement of Owner Certification be corrected, per Register of Deeds comments contained in this report;**

7. **That at the time of Final Plat submittal, the plat meets the requirements of Section 400.3 of the Pennington County Subdivision Regulations, or an approved Subdivision Regulations Variance be obtained waiving any of these requirements that are not met;**
8. **That at the time of Final Plat submittal, eight (8) foot Minor Drainage and Utility Easements be dedicated on the interior sides of all lot lines, or an approved Subdivision Regulations Variance be obtained waiving this requirement;**
9. **That at the time of Final Plat submittal, the plat contain one hundred (100) year floodplain limits in accordance with current FEMA maps and Pennington County Subdivision Regulations, Section 400.3(1)(I);**
10. **That following platting of the proposed lot, any on-site wastewater treatment system(s) be subject to the requirements of Section 204(J) of the Pennington County Zoning Ordinance, including the requirement to obtain an Operating Permit; and,**
11. **That approval of this Preliminary Plat does not constitute approval of any further applications to be submitted for the above-described property.**

Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

14. CONDITIONAL USE PERMIT / CU 20-16: Andrew Vig (Vig Ag Supply). To allow for the sale of Agriculture Equipment and Supplies in a Heavy Industrial District in accordance with Sections 212 and 510 of the Pennington County Zoning Ordinance.

Lots A and B of Tract B of SW1/4 Less Lot H3 of said Lot B, including Lot H2 of Tract B, Section 27, T2N, R8E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating the applicant has applied for a Conditional Use Permit to allow for the sale of Agriculture Equipment and Supplies in a Heavy Industrial District.

Staff recommended approval of Conditional Use Permit / 20-16 with the following seven (7) conditions:

1. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
2. That the property remain free of debris and junk vehicles;
3. That the address (4750 S. I-90 Service Rd.) be continually posted on the residence so that it is visible from I-90 Service Road, in accordance with Pennington

County's Ordinance #20;

4. That a minimum of 2 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;
5. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with Section 312 of the Pennington County Zoning Ordinance;
6. That the hours of operation be from 8:00 a.m. to 5:30 p.m. or on an appointment basis; and,
7. That Conditional Use Permit / CU 20-16 be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by Lasseter and seconded by Runde to approve of Conditional Use Permit / 20-16 with the following seven (7) conditions:

- 1. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;**
- 2. That the property remain free of debris and junk vehicles;**
- 3. That the address (4750 S. I-90 Service Rd.) be continually posted on the residence so that it is visible from I-90 Service Road, in accordance with Pennington County's Ordinance #20;**
- 4. That a minimum of 2 parking spaces be provided, each parking space must be a minimum of 9 feet x 18 feet and be maintained in a dust free manner;**
- 5. That the applicant obtains approved Sign Permits prior to any signs being placed on the property, in accordance with Section 312 of the Pennington County Zoning Ordinance;**
- 6. That the hours of operation be from 8:00 a.m. to 5:30 p.m. or on an appointment basis; and,**
- 7. That Conditional Use Permit / CU 20-16 be reviewed in one (1) year, on a complaint basis, or as deemed necessary by the Pennington County Planning Commission or Board of Commissioners to verify that all Conditions of Approval are being met.**

Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

15. CONDITIONAL USE PERMIT REVIEW / CU 19-22: Michael and Soraya Pellan. To review an existing residence to be used as a Vacation Home Rental in a Suburban Residential District in accordance with Sections 208, 319, and 510 of the Pennington County Zoning Ordinance.

Lot 24R, Block B, Edelweiss Mountain Development Subdivision, Section 17, T1N, R5E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating this is a review of the applicants' Conditional Use Permit.

Staff recommended approval of the extension of Conditional Use Permit / CU 19-22 with the following fourteen (14) conditions:

1. That the maximum overnight occupancy, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(1), be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per PCZO Section 319(F)(13);
2. That each review of Conditional Use Permit / CU 19-22, be subject to PCZO Section 511(F)(3), which imposes a \$100 fee per review;
3. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;
4. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;
5. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
6. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
7. That the lot address (140 Swiss Drive) be posted on the residence at all times and so it is clearly visible from Swiss Drive, in accordance with Pennington County's Ordinance #20;

8. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
9. That if the person designated as the Local Contact is ever changed from Patrick Coupens, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
10. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
11. That an approved Sign Permit be obtained prior to the placement of any sign(s);
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
13. That upon the sale or transfer of this property located at 135 Swiss Drive, this Conditional Use Permit automatically end; and,
14. That this Conditional Use Permit be reviewed in two (2) years, or as directed by the Pennington County Planning Commission to verify that all Conditions of Approval are being met.

Discussion followed.

Moved by C. Johnson and seconded by Rossknect to approve the extension of Conditional Use Permit / CU 19-22 with the following fourteen (14) conditions:

- 1. That the maximum overnight occupancy, per Pennington County Zoning Ordinance (PCZO) Section 319(F)(1), be limited to ten (10) people and the maximum daytime occupancy be limited to twenty (20) people, per PCZO Section 319(F)(13);**
- 2. That each review of Conditional Use Permit / CU 19-22, be subject to PCZO Section 511(F)(3), which imposes a \$100 fee per review;**
- 3. That the applicant continually maintain current licenses with the South Dakota Department of Health (Vacation Home License) and the Department of Revenue (Sales Tax License) and that copies of these licenses be provided to the Planning Department upon request;**
- 4. That the applicant continually maintain an Evacuation (Emergency) Plan and provide copies to all overnight guests in case there is a need to evacuate**

guests from the property in the event of an emergency and that a copy of said plan be kept on file at the Planning Department;

5. That a minimum of three (3) off-street parking spaces be provided on-site, per PCZO Section 310(A)(9)(gg), with each measuring a minimum of 9-feet by 18-feet and surfaced with gravel, concrete, or asphalt and maintained in a dust-free manner;
6. That an interior informational sign be posted in accordance with the requirements of PCZO Section 319(G), with 9-1-1 and (605) 394-2151 listed as contacts for Fire Department and Sheriff's Office respectively, during operation of the Vacation Home Rental;
7. That the lot address (140 Swiss Drive) be posted on the residence at all times and so it is clearly visible from Swiss Drive, in accordance with Pennington County's Ordinance #20;
8. That the applicant ensure the Vacation Home Rental is continually operated in accordance with the requirements of PCZO Section 319(F) (Performance Standards) at all times;
9. That if the person designated as the Local Contact is ever changed from Patrick Coupens, the interior informational sign be updated and the applicant re-notify the Planning Director and surrounding landowners within 500 feet via notices sent by First Class Mail;
10. That all applicable Federal, State, and local regulations be adhered to at all times, including South Dakota Administrative Rule 44:02:08, which regulates Vacation Home Rentals;
11. That an approved Sign Permit be obtained prior to the placement of any sign(s);
12. That an approved Building Permit be obtained for any structure(s) exceeding 144 square feet or permanently anchored to the ground, which requires a site plan to be reviewed and approved by the Planning Director;
13. That upon the sale or transfer of this property located at 135 Swiss Drive, this Conditional Use Permit automatically end; and,
14. That this Conditional Use Permit be reviewed in two (2) years, or as directed by the Pennington County Planning Commission to verify that all Conditions of Approval are being met.

Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. **Roll Call Vote:** carried 7 to 0.

16. PLANNED UNIT DEVELOPMENT REVIEW / PU 05-18: Gordon Howie. To review an existing Planned Unit Development in accordance with Section 213 of the Pennington County Zoning Ordinance.

Lot 1; Lots 2A, 3A, 4A, 5A of Block 1 and Lots 2B, 3B, 4B, 5B, 6A and 6B of Block 1; Lot 1 of Block 2; Lots 3-6 of Block 3; Wastewater Lot 1; Balance of Tract A; all located in Gulch No. 2 Subdivision, all located in Section 32, T1N, R9E, and GL 3 Less ROW; and GL 4 located in Section 4, T1S, R9E, BHM, Pennington County, South Dakota.

Molitor reviewed the Staff Report indicating a complaint had been received and the Planned Unit Development was placed on the Agenda for review.

Staff recommended approval of the extension of Planned Unit Development / PU 05-18 with the following ten (10) conditions:

1. That prior to any further platting with this Planned Unit Development, the second means of vehicular ingress/egress be engineered and constructed to Ordinance 14 Standards or a Variance to the Subdivision Regulations be obtained;
2. That prior to any further platting within this Planned Unit Development, written authorization is obtained from the local water supplier (i.e. Cedar Gulch No. 2 Water and Sanitary District) that there is an adequate water supply to serve the proposed subdivision or a Variance to the Subdivision Regulations be obtained;
3. That prior to any work being done within the 100-year floodplain, a Floodplain Development Permit be obtained;
4. That no lots within the PUD be allowed direct access onto Bradsky Road;
5. That the PUD consists of no more than 150 lots and the minimum lot size be one (1) acre;
6. That the Special Animal Keeping Regulations, as outlined in Section 204-G of the Pennington County Zoning Ordinance, and no more than one (1) large animal be housed on one (1) acre, be continually followed;
7. That all residences must meet the standards for stick-built and manufactured homes as outlined in Section 204;
8. That the minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all Section Lines;
9. That the Homeowner's Association, Water and Sanitary District and Road District remain active and provide for the maintenance of the community water system, the road system, and all common areas; and,

10. That this PUD be reviewed on a complaint basis or at the direction of the Planning Commission or Board of Commissioners.

Discussion followed.

Moved by K. Johnson and seconded by Lasseter to approve of the extension of Planned Unit Development / PU 05-18 with the following ten (10) conditions:

1. That prior to any further platting with this Planned Unit Development, the second means of vehicular ingress/egress be engineered and constructed to Ordinance 14 Standards or a Variance to the Subdivision Regulations be obtained;
2. That prior to any further platting within this Planned Unit Development, written authorization is obtained from the local water supplier (i.e. Cedar Gulch No. 2 Water and Sanitary District) that there is an adequate water supply to serve the proposed subdivision or a Variance to the Subdivision Regulations be obtained;
3. That prior to any work being done within the 100-year floodplain, a Floodplain Development Permit be obtained;
4. That no lots within the PUD be allowed direct access onto Bradsky Road;
5. That the PUD consists of no more than 150 lots and the minimum lot size be one (1) acre;
6. That the Special Animal Keeping Regulations, as outlined in Section 204-G of the Pennington County Zoning Ordinance, and no more than one (1) large animal be housed on one (1) acre, be continually followed;
7. That all residences must meet the standards for stick-built and manufactured homes as outlined in Section 204;
8. That the minimum setbacks for the Planned Unit Development shall be twenty-five (25) feet from all property lines and fifty-eight (58) feet from all Section Lines;
9. That the Homeowner's Association, Water and Sanitary District and Road District remain active and provide for the maintenance of the community water system, the road system, and all common areas; and,
10. That this PUD be reviewed on a complaint basis or at the direction of the Planning Commission or Board of Commissioners.

Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

17. ORDINANCE AMENDMENT / OA 20-05: Pennington County. To amend Section 510 “Conditional Use Permits” [to amend and supersede the existing Section 510 “Conditional Use Permits”] of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report stating this is an Ordinance Amendment to amend Section 510 “Conditional Use Permits” [to amend and supersede the existing Section 510 “Conditional Use Permits”] of the Pennington County Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 20-05.

Discussion followed.

Moved by Rossknecht and seconded by C. Johnson to continue Ordinance Amendment / OA 20-05 to the August 10, 2020, Planning Commission meeting.

Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

18. ORDINANCE AMENDMENT / OA 20-06: Pennington County. To amend Section 514 “Violations and Penalties” [to amend and supersede the existing Section 514 “Violations and Penalties”] of the Pennington County Zoning Ordinance.

Molitor reviewed the Staff Report stating this is an Ordinance Amendment to amend Section 514 “Violations and Penalties” [to amend and supersede the existing Section 514 “Violations and Penalties”] of the Pennington County Zoning Ordinance.

Staff recommended approval of Ordinance Amendment / OA 20-06.

Moved by Runde and seconded by K. Johnson to approve of Ordinance Amendment / OA 20-06.

Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

19. COUNTY BOARD REPORT

The Board of Commissioners concurred with the Planning Commission’s recommendations from the July 13, 2020, Planning Commission meeting, with the exception of Layout Plan 20-14: Grandview Land, LLC (Dan Lewis); Gordon Howie – Agent. To create Lot 2 of Block 2 and Lot 1 and Lot 2 of Block 3 and Lot 7 through Lot 10 of Block 3 of Cedar Gulch No. 2 Subdivision and dedicated Right-of-Way. This Item was continued to the August 4, 2020, Board of Commissioner’s meeting.

20. ITEMS FROM THE PUBLIC

No motions or actions were taken at this time.

21. ITEMS FROM THE STAFF

- A. Planning Department. Molitor noted Michael Hoffman's last meeting with the Planning Commission and thanked her for all her work with the Planning Department.

22. ITEMS FROM THE MEMBERSHIP

Chairman Marsh spoke of subdivision of property and what prompts an increase in density to apply to waive Subdivision Regulations requirements. He further spoke of the language to add to the Notice of Hearing letters of where the Agenda and Staff Reports can be found prior Planning Commission meetings.

Commissioner Rossknecht asked Staff to clarify the language "permanently anchored to the ground."

23. ADJOURNMENT

Moved by Lasseter and seconded by K. Johnson to adjourn.

Roll Call: Marsh – aye, Coleman – aye; Rossknecht – aye; Lasseter – aye, K. Johnson – aye, C. Johnson – aye, and Runde - aye. Roll Call Vote: carried 7 to 0.

The meeting adjourned at 10:44 a.m.

Rich Marsh, Chairperson